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LICENSED IN NEW YORK STATE AND
THE UNITED STATES COURTS FOR THE NORTHERN,
SOUTHERN AND EASTERN DISTRICTS OF NEW YORK

August 6, 2020

VIA ECF

Honorable Pamela K. Chen
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Alice Sosa v. New York City Department of Education, Marcy Berger*
Docket No.: 1:18-CV-00411 (PKC) (SJB)

Dear Judge Chen:

I am the current counsel of record for the plaintiff Alice Sosa (“Sosa” or “Plaintiff”) in the above referenced action. I request a pre-motion conference pursuant to Your Honor’s Individual Practices, in anticipation of my motion to withdraw as counsel for Ms. Sosa in this matter, or in the preferable alternative that leave be granted to file my motion without any pre-motion conference.

I affirm and submit that I have satisfactory reasons for withdrawal under Local Civil Rule 1.4. My withdrawal from this case is appropriate under New York Rules of Professional Conduct 1.16 (a)(2), 1.16 (b)(6), 1.16(b)(7).

This case is scheduled for a settlement conference before the Honorable Magistrate Judge Bulsara on August 20, 2020 at 2:30p.m. Statements of settlement position are due for submission to the Court on August 17, 2020. Although substantial discovery has been exchanged between the parties, plaintiff’s expert and other medical based discovery remains incomplete. A discovery completion deadline is set for August 28, 2020. I have discussed my withdrawal with Ms. Sosa and she informed me that she consents to my substitution and will search for new counsel.

With regard to the basis for the motion:

In March 2020, I was hospitalized after I suffered a health crises in mid-air during a flight. After my discharge from the hospital, I spent several weeks in bed presenting symptoms similar to Covid-19, including migraines, coughing, shortness of breath, fever, night sweats and chills. Although I was directed to see a urologist and cardiologist for follow-up, I have been unable to

attend to my medical care because I lack health insurance and do not qualify for any assistance. Since the Covid-19 pandemic began, I have been unable to collect 90% of outstanding billables from clients, whom have also been disparately impacted by the pandemic, experiencing lay-offs, furloughs, and medical emergencies of their own.

As a consequence, my ability to make timely payments on my outstanding debt has been curtailed and my credit has been severely damaged. My apartment lease is not being renewed. I must vacate by August 31, 2020. I have no money to find alternative housing. I have no income to support myself or to contribute to the care of my parents, who are both retired, one parent disabled, both with minimal fixed incomes. Under the circumstances, I have no alternative but to leave New York and reside with family in California while I attend to my health and economic security.

I have been severely mentally distressed by these developments, and am simply unable to timely give the plaintiff's case the attention that it deserves without substantial hardship to myself. I no longer have an associate and there is no one to manage my office or to assist with my caseload.

Plaintiff's settlement statement of position is contingent upon the completion of her expert and medical discovery. I anticipate that plaintiff will need a stay of these proceedings for a reasonable period in order to secure alternative counsel; and, that incoming counsel will complete plaintiff's discovery, including her updated responses and disclosures to the defense Interrogatories, upon completion of her expert consultations.

In the event that the Court does not grant my request to file my motion to withdraw as counsel without a pre-motion conference, then I respectfully request that the Court hold an expedited pre-motion conference.

Dated: New York, New York
August 6, 2020

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cc: Honorable Sanket J. Bulsara, United States Magistrate Judge, (by ECF)
J. Kevin Shaffer, Assistant Corporation Counsel, Attorney for Defendants (by ECF)